

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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**CRM-M-43924-2022 (O&M).
Date of Decision: 30.11.2022.**

Charanjit Kaur alias Channo

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Lupil Gupta, Advocate, for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant Second petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1974 seeking regular bail in FIR No.65 dated 30.08.2021 under Section 22, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Fatehgarh Panjtoor, District Moga.

Custody certificate has been filed today in the Court which is taken on record.

As per prosecution version, 1020 tablets of Alprazolam 0.5 having alprazolam salt were recovered from the petitioner on 30.08.2021. The total weight of the recovered tablets has come to 121.38 grams which falls within the ambit of commercial quantity. Final report under Section 173 of the Code of Criminal Procedure, was filed on 09.12.2021 and charge has also been framed for commission of offence under Section 22 of the

NDPS Act, on 07.05.2022. Total 11 witnesses have been cited by the prosecution. Even though it has been averred in the present petition that no witness has been examined, the learned State counsel, however, points out that out of total 11 witnesses one witness has already been examined. It is also averred in the present petition that there is no other case against the petitioner which is a fact that has been controverted in the custody certificate filed by the respondent-State as per which two more cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, have been registered against the petitioner.

Taking into consideration the circumstances pointed above, i.e. the involvement of the petitioner in two other cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, and with recovery of commercial quantity, no case for grant of regular bail is made out at this stage.

The present petition is accordingly, dismissed.

However, considering the fact that 1 witness out of 11 cited witnesses by the prosecution has been examined and the case is fixed for recording the prosecution evidence on 06.12.2022, the respondent- State contends that the prosecution shall conclude its evidence within a period of six months from the date next fixed before the learned trial Court for recording of prosecution evidence. The State shall remain bound to conclude its evidence as per the statement made above.

November 30, 2022.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No